



UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 24

APPLIED MATERIALS, INC.
2881 SCOTT BLVD. M/S 2061
SANTA CLARA, CA 95050

COPY MAILED

MAY 10 2004

OFFICE OF PETITIONS

In re Application of :
Hanawa et al. :
Application No. 09/638,075 :
Filed: August 11, 2000 : DECISION ON
Title of Invention: EXTERNALLY EXCITED : PETITION
TORROIDAL PLASMA :

This is a decision in response to the petition under 37 CFR 1.183, filed April 16, 2004, to withdraw the holding of abandonment in the above-identified application. The petition is properly treated under 37 CFR 1.181.

This Petition is hereby dismissed.

Any further petition to revive the above-identified application must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned for failure to timely and properly pay the issue fee in response to the Notice of Allowance and Issue Fee Due ("Notice"), mailed December 3, 2002. The Notice set a non-extendable three (3) month period for reply. No response having been received, the application became abandoned on March 4, 2003. A Notice of Abandonment was mailed February 2, 2004.

Applicant files the instant petition wherein Applicant avers that he did not receive the Office action. In support of this assertion, Applicant files a statement that the Notice was not received by the Applicant and attesting to the fact that a search of the file jacket and docket records indicate that the Notice was not received, and copies of his docket record where the non-received Notice would have been entered had it been received and docketed.

A review of the instant petition and application file reveal that the correspondence address differs from that of the person filing the instant petition. Further to this, it is unclear from a review of the instant petition and supporting copies of Petitioner's docket record whether the docket records are that of Petitioner, or that of Applied Materials, Inc., the correspondence addressee of record. The instant petition alludes to a process whereby Office communication is received at Applied Materials, Inc., and then forwarded to Petitioner. It is therefore possible that Applied Materials, Inc. received the Office communication and failed to forward the communication to Petitioner.

Petitioner must clarify whether the docket records are that of Petitioner, or that of Applied Materials, Inc. A copy of the docket records from Applied Materials, Inc. are what is required. In addition, the statement that the Notice was not received by Applied Materials and attesting to the fact that a search of the file jacket and docket records indicate that the Notice was not received at Applied Materials, Inc., must be from a person in a position to know that Applied Materials, Inc., has searched the file jacket and docket records and said search indicate that the Notice was not received.

Accordingly, Petitioner's assertion, that the Office action was not received, is insufficient to justify withdrawing the holding of abandonment. Petitioner should file a Request for Reconsideration of Petition and include the necessary statements and copies of documents.

Further correspondence with respect to this matter should be addressed as follows:

By mail: Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

By FAX: (703) 872-9306
 Attn: Office of Petitions

By hand: 2201 South Clark Place
 Customer Window
 Crystal Plaza Two, Lobby Room 1B03
 Arlington, VA 22202

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0014.

A handwritten signature in cursive script, appearing to read "Derek L. Woods".

Derek L. Woods
Petitions Attorney
Office of Petitions